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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

HUMAN RIGHTS, MASS EXODUSES AND DISPLACED PERSONS

Internally displaced persons

Report of the Representative of the Secretary-General, Mr. Francis Deng, submitted pursuant to Commission on Human Rights resolution 1993/95

Addendum

Profiles in displacement: Colombia

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Introduction

1. At the invitation of the Government of Colombia, by letter dated 7 February 1994, the Representative of the Secretary-General on internally displaced persons visited the country from 10 to 18 June 1994. This report describes the programme of activities, the findings of the mission and the dialogue in which the Representative engaged with the Government and other actors in the country on the crisis of internal displacement, not only in Colombia, but also as a worldwide phenomenon.

2. The Representative wishes to express his appreciation for the cooperation and assistance from the Government of Colombia, in particular from the Ministry of Foreign Affairs and the Office of the Presidential Adviser for Human Rights, which acted as coordinators of the visit.

3. The approach taken by the Representative in Colombia as a case study typified his general methodological orientation in carrying out his mandate. As explained in his various reports to the Commission (see E/CN.4/1994/44 and Add.1), this rests on the recognition that internally displaced persons fall within the domestic jurisdiction and therefore the national sovereignty of the countries concerned. It is also based on the fundamental assumption that national sovereignty carries with it responsibilities towards the citizens and that under normal circumstances Governments do in fact discharge that responsibility. The crisis of internal displacement, however, creates special problems which may prevent Governments from providing their citizens with adequate protection and assistance. Under those circumstances Governments are expected to invite, or at least welcome, international cooperation to supplement or complement their own efforts.

4. Building upon the notions of respect for sovereignty and recognition of the responsibilities associated with it, the Representative of the Secretary-General aims at discharging his mandate in a spirit of cooperation with the Governments, to try to understand the problems of internal displacement, the obstacles to providing adequate protection and assistance, and what needs to be done both by the country concerned and the international community to remedy the situation. Where Governments are unable and unwilling to provide protection and assistance to the suffering masses and unreceptive to international assistance, the international community is expected to step in assertively in order to fill the moral vacuum created by the failure of the Government to discharge the responsibility of sovereignty.

5. The Representative of the Secretary-General also places great importance on linking the humanitarian and human rights issues involved with the challenge of peace as the most effective means of removing the underlying causes of displacement. Without peaceful management or resolution of these conflicts, there can be no effective and durable answers to the problems of internal displacement. While conflict resolution is not within his mandate, the Representative of the Secretary-General considers his role in conveying this message to the principal parties to internal conflicts and to the international community as catalytic.

6. If the Representative of the Secretary-General were to visit the countries with acute displacement problems and find that there were no significant cause for concern, the mandate would be superfluous. Indeed, it is the existence of serious problems that requires urgent as well as long-term remedies, the cooperation of Governments in exploring and addressing those problems, and a positive response on the part of the international community that together make the mandate a humanitarian and human rights challenge. This was, in essence, the case with the field visit of the Representative of the Secretary-General to Colombia.

7. The Representative was received by the Ministers of Government, Defence and Agriculture, the Vice-Minister for Foreign Affairs and the Presidential Adviser for the Promotion and Protection of Human Rights. He also met with senior officials from the Ministry of Foreign Affairs and the Office of the Presidential Adviser for the Protection and Promotion of Human Rights, as well as delegates of the Procuraduría (Office of the Attorney/Procurator-General of the Nation) for Human Rights and Agriculture and of the Defensor del Pueblo (national ombudsman). The Representative met with delegates of intergovernmental specialized agencies, and the staff of local and international non-governmental organizations (NGOs) as well as representatives of the Episcopal Conference and members of the academic community. He also had the opportunity to hold hearings with a great number of displaced persons and witnesses, both in Bogotá and during his field visits. As during previous similar visits to other countries he endeavoured, within the short time available, to hear a variety of views on the complex situation of displacement in Colombia from the different social, political, legal, religious and intellectual segments of Colombian society. He also had the opportunity to be briefed on developments in Central America by representatives of PRODERE (Programa de Desarrollo para Desplazados, Refugiados y Repatriados) and in other countries in the region by other NGOs. On the other hand, partly because of the short time available to him as well as the timing of the mission (which took place during a period of presidential and other elections), the Representative was unable to meet with more senior authorities of the Government, especially of the Armed Forces and the Administrative Security Department (DAS) and with representatives of the economic and other interests in the country, as he would have wished.

8. In scheduling the mission at a time when a change of government was anticipated, it was considered that the structural problems in the country were such that they would continue to produce displacement for the foreseeable future, irrespective of the changes in the Government. It was also thought that the officials who would be talking with the Representative at the present time would have had the necessary exposure to the problems of displacement and would be able to share with him their experience and knowledge of the situation. The other option, of holding the mission a year or two later, when the new authorities would have reached a sufficient level of experience, was deemed both by the Representative and by the Government as less desirable. From the point of view of the Representative, it would have deprived him of the rich experience that the situation in Colombia constituted for his study of internal displacement, while the Colombian Government, as the Representative was told, would have been unable to benefit from his expertise at a time when making an accurate pronouncement of the problem in order to address it has become one of its most important priorities. Given this mutual

interest in the Representative's mission at this time, the Representative hopes that his report would provide a challenge for the new Government, even if it may not reflect fully its specific views.

9. To the extent possible, the present report has taken into account various actions undertaken by the Colombian Government in the field of human rights in the past, as presented to various United Nations and other inter-governmental mechanisms and documented in their reports. It has also considered, inter alia, the recommendations that are relevant to the problem of internal displacement made by two previous United Nations human rights fact-finding missions in the country in 1988 and in 1989 and a United Nations evaluation mission of the Office of the Presidential Adviser for Human Rights in 1992 and the extent to which they have been implemented. Since the Government also made available to the Representative the preliminary version of the report of a mission undertaken by an independent body specialized on internal displacement, namely the Permanent Consultation on Internal Displacement in the Americas (CPDIA), suggesting possible action by the Government with regard to displacement in the country in late 1993, its recommendations have also been taken into account. 1/

I. OVERVIEW OF THE CRISIS

A. Manifestation of the phenomenon

10. The Government of Colombia does not have any statistics on the number of internally displaced persons, although government officials, in their discussions with the Representative, stressed that the problem was very serious. Local and international NGOs estimate the number of the internally displaced to be at least 300,000 persons. 2/

11. Many doubts as to the accuracy of these figures were raised during the Representative's visit. For example, in one of the documents prepared for the Representative's visit by the personero (local ombudsman) of one locality known as a major reception area for the displaced, it is mentioned that there were no registrations of displaced persons in such agencies as the hospital, the mayor's office or the Institute of Social Welfare (Instituto de Bienestar Social). In the same line, one international organization expressed surprise at the fact that too few displaced people approached it for assistance despite the high figures that were being quoted. Others, however, said they thought the figures represented only the tip of the iceberg. It was repeatedly pointed out that the problem was by no means a new one; that displacement had been occurring for the past 40 years.

12. Four reasons account for the confusion. The first has to do with the definition of the term "internally displaced persons" in Colombia. In a letter addressed to the Representative, the Government defines as displaced "any person who has been obliged to migrate within the national territory, abandoning his place of residence or his customary occupation, because his life, person or freedom has been jeopardized or is threatened owing to the existence of any of the following situations: internal armed conflict, internal disturbances and tensions, widespread violence, massive violations

of human rights, natural or man-made disasters, or other circumstances originating from prior situations liable drastically to disturb public order." 3/ The CPDIA defines as internally displaced "every person who has been forced to migrate within the national territory, abandoning his place of residence or his customary occupation, because his life, physical integrity or freedom has been rendered vulnerable or is threatened due to the existence of any of the following man-caused situations: internal armed conflict, internal disturbances or tensions, widespread violence, massive violations of human rights or other circumstances originating from prior situations that can disturb or disturb drastically public order." 4/ The Episcopal Conference in a survey of the problem currently being conducted follows this definition. The observations under the next three paragraphs refer to situations more in line with the second rather than the first, which is a wider definition, since the discussions with the Government focused mostly on that definition.

13. The second reason has to do with the phenomenology of displacement in the country: internally displaced persons rarely flee in truly large numbers, as in other countries; usually they move in small groups of a few families or individuals. The areas of expulsion are numerous and spread throughout the country (see map at annex II). In each area the causes and types of displacement vary significantly, making generic descriptions of the phenomenon problematic. The displaced usually move to neighbouring rural areas and from there to urban centres, or directly to urban centres often to join relatives or friends originating from the same area. They mingle with the local population, usually the poorest layer of the society, which includes other migrant and displaced persons.

14. The third reason has to do with the attitude of the displaced themselves towards their displacement. The Representative was told repeatedly during his visit that people in Colombia flee in absolute silence, not wishing in most instances to be identified as displaced, and for this reason, they avoid contacting the authorities and even aid organizations.

15. The fourth reason is that until now there seem to have been no methodologically acceptable attempts to estimate the number of the internally displaced. 5/ This may be about to change with the survey currently being undertaken by the Episcopal Conference at parish level in most areas of the country with a view to determining more accurately the numbers of the displaced. A more detailed description of the project is provided below under paragraph 94.

16. When the Representative wondered why, if the crisis had been going on for so long, concern was sharpening at that moment, he was told that the humanitarian dimensions of the problem were only now becoming evident: as the violence was acquiring more of a criminal and less of a political character, it was thought that there was more unified political willingness within both the Government and the non-governmental community to address the problem. Various NGOs had adopted as their position that displacement was an objective fact, the occurrence of which meant that the victims should be assisted, irrespective of the cause of their displacement.

B. The historical and socio-economic context

17. It is impossible to understand the problem of internal displacement in Colombia without an analysis of the historical, socio-economic and political context in which it occurs. The following paragraphs provide a short analysis. It has to be stressed at the outset that the situation in Colombia is so complex and susceptible to so many different interpretations, that comprehensiveness is by definition elusive. The causes of displacement are numerous and different from one region to another, although certain common parameters can be discerned. For instance, it is not contested that violence is the most profound cause of displacement. 6/

1. Historical background

18. As the Representative was often told during his mission, Colombia is a country of contradictions. Elections in the past four decades have always been paralleled by troubled political life and violence. At the roots of this seems to lie a combination of the following factors: the enormous disparities in the distribution of land and wealth, the absence of State authority from whole parts of the country, and the inaccessibility of power and of the State for certain segments of the society.

19. In addition, Colombia, a very rich and vast country, has always experienced high levels of internal migration and displacement. At the turn of the century, most Colombians lived in the Andes, apart from a few wealthy entrepreneurs who founded lucrative enterprises in lower valleys (for example, in the department of Meta). Highland farmers soon followed the boom. Few had formal title to land, however, and were easily forced out by large landowners. At the end of the Second World War, 3 per cent of the population monopolized more than half of Colombia's arable land. This gave rise to a protracted period of violence. Known as "La Violencia", this amounted to an "undeclared" civil war between the Liberal and the Conservative Parties, the main political parties of the country, following the assassination of a popular political leader, Jorge Eliecer Gaitán, in 1948. Two million peasants fled to the towns and lost their lands or settled in other areas. 7/ "Magdalena Medio" and Meta were two of the areas that experienced high colonization spurred by the war.

20. The Violencia came to an end in 1958 when the two parties created the National Front and reached a political agreement, under which they undertook to alternate in office every four years and to share equally in the running of the State. Yet violence did not end and the armed forces did not gain a monopoly of the power. Although the majority of the liberal fighters demobilized, some failed to do so. These formed the nucleus of the guerrilla movements that emerged in Colombia, as in the rest of Latin America, during the 1960s. Undoubtedly, the exclusion from the political system of segments of the society not represented by the Liberal and the Conservative Parties contributed to the growth of these insurgent movements. Not uncommonly, the Government's response to social instability and insurgency has been to make use of state-of-siege legislation, periodically ceding large parts of the country to the military.

21. In the 1970s armed insurgency continued to grow, while the State adopted increasingly repressive measures to combat it. The country has been under a state of siege virtually since the end of the Violencia. Successive Governments have assigned the armed forces a growing role not only in the counter-insurgency fight, but also in maintaining public order in general. One example has been the loss of autonomy of the police, which was subordinated to the Minister of Defence, until recently a senior general of the Army. Confrontation between the armed forces and the guerrilla movements has been an important source of violence, not only in terms of the direct victims of these armed encounters, but also of the civilians who have been killed as a result of this confrontation even if they belonged to neither side. Guerrilla groups continue to control some parts of the country, including the local administration and the economy.

22. At the same time, another actor made its appearance. In areas of guerrilla activity and little State presence, self-defence groups began to be formed, sometimes with the support of drug traffickers or the encouragement of the forces of law and order. Some of these groups later became the private armies of civilians; others are whole politico-military organizations, offensive in nature, known as "paramilitaries". Local and international financial enterprises in mining, cattle raising and intensive agriculture have also contributed to social conflicts and violence, often by hiring these groups or creating them, in order to protect their interests. Such was the case in the "Magdalena Medio", where ranchers forced out peasants who had no formal title to their land. The Representative was often told during his mission that the areas most productive and rich in natural resources (such as El Carmen de Chucurí, "Urabá" and Chocó) are often the ones where violence reaches its highest levels, as agrarian counter-reform processes are said to take place.

23. The 1980s saw the growth of the cocaine cartels. Coca growing, ideal for peasants struggling to survive, and especially coca shipping from Bolivia and Peru, meant that cartel leaders started purchasing land, inter alia for money-laundering purposes, especially in areas where, due to guerrilla activity, land was cheap. To protect their lands and trade, they started forming or acquiring private armies; in other areas, they started paying the guerrillas to protect them.

24. During the presidency of Belisario Bentancur (1982-1986) a cease-fire with some of the main guerrillas was achieved. 8/ Former members of the guerrilla formed a political party, the Patriotic Union (UP), an important step towards allowing their participation in the mainstream political process. Yet in 1985 the cease-fire came to an abrupt end as a result of extremist actions on both sides of the political spectrum, illustrated by the events in the Palace of Justice in Bogotá which left 12 of the 25 Supreme Court justices and some 100 other people dead.

25. Some months before the incident mentioned above, another type of violence seems to have emerged, commonly spoken of as the "dirty war". This denotes the selective extermination of left-wing political activists, such as members of the UP, trade unionists, members of popular and human rights organizations, teachers, etc. According to a significant number of allegations and testimonies, the "dirty war" has not yet subsided.

26. President Virgilio Barco (1986-1989) initiated new peace negotiations, which broke down; soon afterwards, the Government created an army unit specialized in guerrilla warfare, known as the Mobile Brigades, made up of professional soldiers.

27. In 1991 the National Assembly was convened, following a truce with some of the guerrilla groups, to adopt a new Constitution. 9/ The Constitution provided for significant new measures relevant to the protection of human rights, some of which are reviewed below under chapter II.D. In 1992, however, the peace talks floundered due to pressure by extremists at both ends of the political spectrum. States of emergency have continued to be declared despite the demobilizations which occurred in 1991 and the adoption of stricter constitutional requirements for the invocation of state-of-siege legislation. Optimism for the prospects of the country, which was running high after the adoption of the new Constitution, has diminished significantly since then, while the very narrow majority that the new Government, in place since August 1994, is enjoying leaves it little room for the adoption of measures to deal effectively with such deep-rooted problems as violence and poverty. There have been only few peace initiatives lately, and as a government official noted, the military reaction has been responsible for serious displacements. Yet a big part of the Government would like to see the guerrillas demobilize before the Government proceeds to the negotiating table. Many expressed the hope that the new Government would re-start the peace initiatives.

28. The Representative expressed surprise that only 32 per cent of the electorate had participated in the latest elections of June 1994. It was explained that there seemed to be no real motivation to select one party over the other. Not uncommonly, apparently it has not been possible for the left to present any real option. This is unfortunate, especially in view of the allegations that space for legitimate social action is diminishing.

2. Land, economy and social welfare

29. Colombia is the only country in Latin America which has had continuous economic growth throughout the 1980s. In the UNDP human development index it enjoys a rank of 61 out of 173 countries, a GNP per capita amounting to US$ 1,260 and very high literacy rates. 10/ On the other hand, whereas in 1965 according to the United Nations Development Programme (Human Development Report of 1993) 45 per cent of the population of the country was occupied with agriculture, in 1989/91 this figure was much smaller. During the 1980s 34 per cent of the urban population lived in absolute poverty.

30. The issue of distribution of land is at the heart of the social conflicts in Colombia. According to one report, 3 per cent of the landowners own more than 70 per cent of the arable land in the country. 11/ However, in the last 35 years the number of very large land properties has decreased somewhat. 12/ As one government official said, effective action by the State in this field has never been possible; for instance, the first agrarian reform in the 1930s was restricted to defining the ownership titles of the coffee haciendas south of Bogotá. Another one, in the 1960s, was phased out in 1971 due to opposition by the landowners. A third one, in the 1980s, originating in the demobilized guerrillas, was also partial. Another

commentator suggested that because agrarian reform implies a change in the land rights and in politics, Governments have never engaged in it seriously. 13/ Thus, invasions and conflicts associated with them have never been avoided, since peasants have had to resort to occupation and, as is the case in Meta, have subsequently been forced out by wealthier landowners. One government official, describing this process as "colonization" and calling it absurd, noted that in areas where land distribution has been carried out, settlements tend to be more peaceful. Colonization also affects the environment, as it often entails clearing the jungle to establish a field or a pasture.

31. Labour migration and colonization have been traditional practices in Colombia. As government officials pointed out, landless and poor peasants, unable to compete with big capital, migrate to the cities where they are joined by people who have been displaced by the violence. Often the causes of migrations overlap. It is practically impossible, and perhaps undesirable, to distinguish between the categories.

32. Finally, it should be mentioned that the topography of Colombia is such that many towns are built in high-risk geographic areas, susceptible to floods, tsunamis, earthquakes and the like. Not surprisingly, slums, built with no plan and without any infrastructure, are the most vulnerable. As is the case in other countries, those hardest hit are the poorest.

II. THE MISSION AND ITS FINDINGS

A. Areas visited

33. The Representative visited areas where the internally displaced live, mostly poor neighbourhoods near urban centres. More specifically, he visited a shelter for displaced persons, known as Albergue Campesino (i.e. shelter for the peasants) in the department of Santander, the city of Barrancabermeja in the same department, Murindó in the department of Antioquia, the city of Medellín, also in the department of Antioquia, and Ciudad Bolívar on the outskirts of the capital city, Bogotá. During these visits he was received by government and military authorities, including the Governor of Antioquia, the Mayors of Medellín, Barrancabermeja and Ciudad Bolívar and the Commander of the Barrancabermeja battalion, field representatives of NGOs and displaced persons.

34. During his stay in Bogotá the Representative participated as an observer in a seminar-workshop on "Integral policies on internal displacement in Colombia", the first to be organized jointly by the Government and NGOs from all over the country. This gave him the unique opportunity to meet with NGOs and authorities from almost all the regions of Colombia affected by internal displacement. Had he had more time at his disposal, he would have also liked to visit other areas of the country where displacement is a serious problem.

35. Attempting to draw a composite picture of all the actors that contribute to the spiral of violence in Colombia is particularly difficult: any generalization about those who play a role ignores significant variations within each category and stark regional differences. It also ignores the fact

that alliances among the various actors constantly shift. Nevertheless, dealing with the problem of displacement will be impossible as long as all these actors are not taken into account and their interests given due consideration.

B. Violence as the main cause of displacement

36. The guerrilla groups were initially engaged in land struggles. Some retained their arms after the creation of the National Front. They multiplied and strengthened their presence in many areas in the country throughout the 1960s and 1970s (such as the Revolutionary Armed Forces of Colombia or FARC, made up initially of peasants demanding land; the People's Liberation Army or EPL; the National Liberation Army or ELN; the M-19, created after allegations of fraud during the 1970 presidential elections; the Quintin Lame Armed Indigenous Movement; the Ricardo Franco Commando, etc.), rallying support among the impoverished peasants in the rural areas. For that historical reason in most cases the peasant population has provided the social base for the insurgents. Today it is estimated that there are around 14,000 men with the largest groups. Arms during the 1980s were supplied by Central American guerrillas; at present they are allegedly purchased in the country, from national military agents. Mention was also made of one guerrilla group having been able to penetrate high levels of the armed forces.

37. As the insurgents, once Liberals-guerrillas, became communists-guerrillas and thus the new enemy, the peasants and politicians associated with them were allegedly also perceived as enemies. The Representative was told, for example, that former members of the FARC, who later formed the UP, in the minds of some were never considered to be really different from the FARC and were therefore tracked down and killed. As the guerrillas adopted the language and ideology of the peasant movement and later infiltrated popular organizations and trade unions, they provided an easy argument to the radical right to label anyone involved with those organizations as "subversive". They also lent support to those who argued that the guerrillas were really created by the communists, that they forced indigenous and other peasants to take up arms and that in this way they halted production in certain areas and contributed to poverty and the enormous social problems associated with it.

38. Generally speaking, the guerrilla movement as a whole appears to be fractured and at the moment largely devoid of a meaningful political project. It was pointed out to the Representative on many occasions that if at one point the movement represented valid political and ideological claims, it now seems to suffer from debilitating problems and lack of internal control, as the increasing allegations of human rights violations, forced recruitment and the like demonstrate. Many considered that in some areas where guerrillas exercise control, the relationship with the peasants is strained. This situation supports the position of some of those who spoke to the Representative, from within and outside the Government and the Army, who characterized the guerrillas as professional criminals, who found warfare a lucrative business because of their close cooperation with drug traffickers and their other criminal activities such as kidnapping and extortion, and who for this reason refused to abandon their life-style.

39. Some pointed out that the traditional alliance between the peasants and the guerrillas should not be underestimated, and that some groups did have a strong hierarchical structure commanding solidarity for the peasants and struggling for better income distribution. Others noted, however, that there was a widespread feeling of increasing indifference and intolerance on the part even of the peasants, who would like to see the 40-year-long conflict end and had come to believe that the guerrillas offered no solution. At the same time policies of reintegration of demobilized guerrillas have allegedly not been fully implemented, leaving a serious economic and social problem unsolved. It should be noted that while in urban centres there is no sign of the conflict that goes on in the rural areas, in the latter it has been the way of life for the past 40 years.

40. It must not be forgotten that the social conflicts in the country have given rise over time to legitimate social and political movements, interested in participating in social development, many of whom, it would seem, have been manipulated by the insurgency which has tried to take control of them. For that reason they are often perceived as cover-ups for guerrilla and other "subversive" activities. Fragile and divided though they may be, these social organizations are evidence of remarkable courage in the midst of adverse circumstances.

41. As mentioned above, wealth and land in Colombia are concentrated in the hands of an extremely small percentage of the population (mainly agro-industry and businesses engaged in the exploitation of mines and other natural resources), whose interests have been protected to a greater or a lesser extent by successive governments. There is significant optimism with regard to the economic growth of the country and its opening up to the international economy; in the words of one government official, however, as these processes are threatened by the continuing instability created by the violence, especially that caused by the guerrillas and the drug-traffickers, pressure is applied to the Government to solve these problems decisively. In the eyes of those who have been harmed by guerrilla activities, it is incomprehensible why those who destroy the economy should enjoy new guarantees and benefits in demobilization and reintegration projects.

42. The existence and operation of paramilitary groups is perhaps the most hotly contested issue in the country. NGOs and victims of human rights violations, as well as a large number of government officials, told the Representative that these groups are the primary source of violence and related displacement and that in many cases they enjoy at least the tacit support of the Army while in many areas they are financed and used by drug-traffickers, ranchers and farmers involved in coca growing. 14/ The report of the visit of the Special Rapporteur on extrajudicial, summary or arbitrary executions to Colombia in 1989 noted that paramilitary groups were the greatest source of violations of the right to life and that they have contributed to widespread impunity. It also noted that violence by paramilitary groups was increasingly affecting militants of the liberal and communist parties despite their status as public officials. 15/ Human rights groups told the Representative that the pattern of assassinations of human rights activists, public officials and popular leaders shows that one objective of these groups is to extinguish opposition. Other government officials deny any allegation that these groups are supported by the Army.

They assert that such groups act autonomously and declare that in any event they are illegal and that those from within the Army who collaborate with them exceed their authority and are subject to sanctions.

43. The armed forces themselves recognize only that certain individuals may be exceeding their authority and that this in no way reflects official policy. One commentator, however, suggested that it was difficult for the Army itself to purge the collaborators from its ranks, since those who do collaborate with these groups tend to be more successful in the anti-insurgency and anti-drug fight and are deemed useful and thus promoted. Internal security is the primary responsibility of the Ministry of Defence, which since the 1991 Constitution is headed by a civilian. The police is centralized and also falls under the Ministry of Defence, as mentioned earlier. As the Minister of Defence mentioned, however, it is separate from the Army. One local government official suggested that the problems the regional civil authorities have in their dealings with the police have partly to do with the fact that the police is not decentralized.

44. It is important to realize that the armed forces in Colombia, as in the rest of Latin America, have traditionally played a prominent role as defenders of the State. 16/ Moreover, in Colombia there is an additional source of pride in the fact that, unlike in other countries, they have never held State power (apart from the period 1953-1957). At the same time, as was pointed out to the Representative, this has meant a constant balancing of power between the Army and the civilian authorities, even though, in the words of the Minister of Defence, the threat to democracy has changed substantially since 1990. Military involvement does not need to take the form of outright intervention through a coup d'état. 17/ For example, allegations were made about increasing alliances between the military and other counter-insurgency interests, including economic interests, capable of influencing political power and thus contributing to a partial crumbling of the State. Allegations were also made about an evolving mentality which regards excesses as justified when employed in the fight against guerrillas, subversives and drug-traffickers. On the other hand, it was the impression of the Representative that the constant incrimination of the Army by the civilian authorities and the NGOs, local and international, was perhaps counter-productive.

45. Drug-traffickers are said to be responsible for a large part of the problem of impunity and corruption in Colombia. Depending on the region, they are said to form alliances with the Government, the guerrillas, the paramilitary groups or the armed forces, to intimidate the local population and snatch its land property and to be responsible for scores of murders, which are committed by sicarios (hired killers). When coming to a "new" area, they are said to bring their vigilante groups to protect their interests. In other cases, e.g. in Medellín they distributed money around which criminal bands built up, dislocating the State and its mechanisms such as the police.

46. Criminal violence, organized as well as not, accounts for a very large part of the overall human rights abuses and qualifies Colombia as one of the world's most crime-ridden societies. It would seem that a whole generation raised in violence accepts it as a normal way of living, while assassination is said to be an acceptable form for the settling of accounts. The easy availability and the proliferation of guns have definitely contributed to

this. Other causes are said to include the consumption of drugs or alcohol, and the poverty and lack of opportunity for the youth. In some areas, e.g. in Medellín, the Government has initiated programmes for the reintegration of urban militias.

47. In addition to the above, Colombian society is increasingly characterized by one more source of violence, termed by some commentators as "social cleansing". This denotes the extermination or subjugation of all those who are perceived as leftists, subversives or disposable, including human rights activists, lawyers who defend them, peasants seen as sympathizers of the guerrillas, homosexuals, drug addicts and other marginalized elements of the society, as well as judges and others in the judicial system who prosecute, for example, paramilitaries or drug-traffickers. An NGO mentions that it has registered 45 death squads operating against marginal groups and that it had evidence of their strong infrastructure (use of cars and paid killers, ability to track down their victims, etc.).

48. Impunity has become part of the everyday language in Colombia. It implies that very few of the committed crimes are investigated and adjudicated and few perpetrators are brought successfully to justice and punished. Various studies have been conducted on the mechanisms of impunity, one of which seems to be the existence of far too many abogados y trámites (lawyers and procedures), which ensure endless judicial processes. It is perhaps sufficient to point out that impunity for crimes committed in the exercise of public authority is qualitatively different from impunity for common criminal activities.

49. A culture of tolerance for divergent views seems to be lacking and affecting not necessarily only potential victims of "social cleansing". Characteristically, as one organization put it, those who express anti-guerrilla sentiments are immediately labelled as paramilitaries, a label that can amount to a death sentence.

50. In a letter to the Representative dated 16 November 1993, the Government of Colombia noted that through the Office of the Presidential Adviser it has repeatedly acknowledged that some State officials have participated in violations (of human rights) and that these violations have not had its approval; consequently, the State cannot be accused of any systematic plan of human rights violations. The same letter lists as the most serious causes of displacement the escalation of violence caused by drug terrorism and the guerrilla groups opposed to the peace dialogues, the massacres, tortures and disappearances in which members of the armed services, as well as guerrillas and drug traffickers, have been involved, along with a lack of economic opportunities and development prospects and major natural disasters. 18/

51. The government officials with whom the Representative met, generally youthful, technocratic, progressive in their ideas and very open and candid, expressed their serious concerns for the problem of impunity and the informal economy, wherein clientelism and widespread political corruption thrive. In their private discussions with the Representative almost all of them mentioned that human rights violations are being committed by the members of the armed forces and by the paramilitary groups, the latter enjoying at least the unofficial tacit support of large sections of the former. 19/ They also

thought that the lack of a State presence in many parts of the country, partly because of its topography, i.e. its high mountains and vast areas covered by jungle, which make transportation difficult, meant that these areas remain at the mercy of guerrillas and paramilitaries or other private armies of drug traffickers, landowners, etc. They also thought that in the rural areas the military exercised more power than the civilian authorities.

C. Patterns and consequences of displacement 20/

52. Testimonies received by the Representative as well as comments by government officials reflect that victims of displacement are mostly peasants, including members of the indigenous and the black population, living in areas of guerrilla or paramilitary influence and victimized by counter-insurgency activities or caught in the cross-fire; political leaders, leaders of political opposition movements, social leaders, such as members of teachers' unions and peasant unions; and government officials, such as judges and attorneys. 21/ Most of the displaced are women, often widows, and their children, the "living" victims of guerrilla activity, army and/or paramilitary repression in rural areas and individual violations of human rights. The Representative spoke with displaced persons from the departments of Meta, 22/ Cordoba, Antioquia (and the general region of "Urabá" 23/), Santander, Bolívar (and the general region of "Magdalena Medio" 24/), Norte de Santander, 25/ Putumayo, Cauca, 26/ and the region of Bogotá.

53. Peasants usually migrate first to a nearby rural area or town, trying to work in their fields during the day and returning for safety at night; once they flee to an urban centre, displacement often acquires a permanent character. Family units, communities and community projects are invariably destroyed. The displaced lose their natural and cultural context, a serious social problem in a country in which 30 areas of cultural identity have been identified. 27/

54. Fleeing from counter-insurgency and other violent activities means that peasants have to abandon everything. Displacement leaves them in a worse economic and social situation: as one church official said, "the peasant on his land remains free; in the city he becomes a beggar, his daughter becomes a prostitute; he becomes a parasite, and thus a 'disposable'".

55. Persons moving from one urban centre to another to avoid persecution have given rise to a phenomenon termed "urban displacement". Usually these movements consist of the individuals concerned and/or their families.

56. Emotional trauma amongst the displaced is common. Families remain without support, battered by violence, while often meagre resources vanish. Furthermore, in the towns they have to learn to deal with rampant crime. 28/ In a letter dated 16 November 1993 addressed to the Representative, the Government noted that the following are consequences of displacement: trauma associated with impunity, depression, anxiety associated with loss of work and one's social role and the "negative legacy" of vengeance. Women in their role as mothers have been particularly affected

by the violence and the adverse socio-economic situation in the areas of reception. The situation of a large number of widows was one of particular concern to the Representative.

57. The drama of the internally displaced lies also in that they more often than not feel compelled to flee in absolute silence, since a displaced person is considered to be a person with a "problematic" past. 29/ This is exacerbated by the fact that the most "visible" displaced are those who have some organizational links with a political organization. Others, like many of the displaced, especially in Bogotá, who had a prominent role in local society prior to being displaced, upon arrival actually have to hide their achievements for fear of renewed persecution. Families are thus left navigating alone in a situation where levels of crime, family violence, drug addiction and alcoholism are high.

58. The slums the Representative visited lacked proper housing, water, electricity, sewage and transportation facilities. For example, the area known as Altos de Casuca in Ciudad Bolívar, in the south of Bogotá, which the Representative visited, is built on a steep hill, accessible only by a precarious dirt road, where the only available "public" transportation is by privately operated cars. Huts are built with varying degrees of stability: some of the older ones have brick walls, but newer ones are made out of wood or cardboard, with no floor, and house whole families. Most have no electricity. There is no sewage or safe water supply and people have to line up to collect water from pipes, sometimes a few hills away. Mud slides and inundations are the order of the day in periods of heavy rain. The Representative met with the local population in a space covered by a roof made out of tin and planks, which had been used as a school and now serves as a meeting place. A new school has been built recently in the area. As will be discussed in greater detail below, many of these conditions are the same for all those living in the slums, irrespective of what caused them to move there.

59. Support systems vary between the different areas of the country. In Canta Claro, Monteria, for example, no organization exists for the displaced, no programme targets them, there are no jobs or any hopes that return will be possible. 30/

60. Displacement in the Andes has been described as cumulative: 31/ many discover they cannot find jobs in the shanty towns and that they receive no special help from the Government. In the meantime, others take their place, willing to risk violence in exchange for a job or a piece of land. In some cases, as government officials and others pointed out, a "counter" land reform takes place, when paramilitaries, drug traffickers or others associated with them move into the area. The "transient" population in some areas is described as being extremely high.

D. Human rights and humanitarian issues

61. It should be mentioned at the outset that the realities of the human rights situation in Colombia are at variance with the country's record on the signing and ratification of international instruments. 32/ From the evidence given the Representative of the Secretary-General, the human rights situation in the country appears to have worsened over the last decade. While

in the 1970s repression was exercised through means such as state-of-siege legislation, and exercised by the military, in the 1980s another form of repression was added, that of clandestine repression by the so-called paramilitary groups. Arbitrary detentions and torture characterized the first type of repression, but political assassinations and disappearances were unknown. However, the latter have become the order of the day in the last 10 to 15 years. 33/

1. Protection concerns

62. Numerous testimonies received by the Representative as well as the discussions he had with the Government indicate that the civilian population living in combat zones is the most susceptible to being displaced: in these so-called "red zones" (i.e. zones controlled or influenced by the guerrillas), the armed forces often resort to air raids, followed by ground searches, which often force the people to move temporarily or permanently. 34/ These testimonies indicate further that often the distinction between guerrillas and non-combatants is lost. Allegations were even made that the armed forces have killed peasants just in order to claim guerrilla casualties. Note should also be made of allegations that provision of military aid by third countries has contributed to increases in human rights violations occurring in the context of counter-insurgency or anti-drug activities. Serious displacements seem to occur when peasants deny full support for paramilitary activities in areas such as El Carmen and San Vicente de Chucurí in the "Magdalena Medio". Guerrilla actions, such as the mining of roads where a police or army vehicle may pass or ambushes causing civilian casualties have also been responsible for displacement. 35/

63. One category of persons that seem especially vulnerable is that of the indigenous (approximately 800,000) and the blacks (2 million). These communities were often forced in the past to abandon their lands and have suffered from, inter alia, economic discrimination. Today the indigenous communities are accorded special protection status under the new Constitution, which vested them with political and resource-management authority over certain areas of the country. Yet there are allegations that these communities have been moving further up in the mountains because of intense farming methods, and have found themselves in areas of guerrilla presence where they are victimized both by the armed forces and by the guerrillas. Also, various incidents of violence against these communities by paramilitary forces have been reported in the last years. 36/ In addition, relocation because of industrial and development projects continues to generate concerns. 37/

64. Cases of forced evictions, apart from the ones mentioned in the preceding two paragraphs, do not seem to occur with any great frequency or as a matter of policy. Housing and other development projects up to now, at least in Ciudad Bolívar, seem to have concentrated on consolidating existing slums. It is not clear whether such projects are envisaged in the future, or how they would be implemented.

65. In the course of his visit the Representative received a staggering amount of information and testimonies about allegations of human rights violations. 38/ It is impossible to recount them all in the context of the present report. In summary, however, they point to the armed forces, including the police, the paramilitary groups 39/ and the guerrillas as the primary actors, especially in killings and massacres, 40/ but also of arbitrary detentions, disappearances and torture. Changes in the administration of justice in the last years are said to permit arbitrary arrests and unfair trials by secret judges and witnesses. These individual human rights violations have also caused the displacement of the persecuted and their families. The victims are mostly leaders of political and social movements, human rights activists, journalists and public officials, especially of the judicial and education services. 41/ With regard to the number of assassinations, one source has noted a marked increase in 1992, 42/ while another states that in 1993 it was yet higher. 43/ The Representative was told of various methods of harassment, including telephone tapping, monitoring of one's home, direct threats to one's family, anonymous letters, "singling out" in lists of "subversives", etc. Even in cases where the Government has promised to protect them, the Representative was told that some of these people had been assassinated or that they had continued to be harassed. Witnesses who have denounced human rights violations have also been assassinated.

66. Human rights activists and members of human rights and humanitarian NGOs have been particularly harassed. Some reportedly refused to attend the meeting in which the Representative participated because they were afraid, since in 1991, following an NGO meeting on the same topic, two persons had been assassinated. In rural areas they are asked questions at army checkpoints regarding their activities, their contacts and their alliances.

67. In areas of guerrilla influence peasants have been forced to cooperate with the insurgents, have been forcibly recruited or have been subjected to "popular trials". Landowners and their families and members of the armed forces and the police have been assassinated by guerrillas or kidnapped for ransom purposes, or have lost their properties and have been forced to abandon their economic projects.

68. Testimonies indicate that there have been cases where those who tried to flee were threatened or actually prohibited from doing so, either because they were suspected as insurgents or sympathizers (attempting to flee would be positive proof) or because they would be able to report on the abuses committed by the Army or paramilitary groups. In other cases they were required to obtain safe conduct passes 44/ or pay high fines at checkpoints for a "permission" to leave. Other sources have reported incidents whereby women and children have been shot at while fleeing in areas where the Mobile Brigades are active. 45/

69. There have also been cases where shelters for the internally displaced have been threatened, harassed or even forced to close down by paramilitary groups and members of the armed forces. The case most known is that of the Albergue Campesino (shelter for peasants) in Barrancabermeja, where more than 2,000 peasants originating from the "Magdalena Medio", an area of acute conflict, have found refuge since its opening in 1989. The latest incident of

such threats was reported in March 1994. International support and solidarity have resulted in some security guarantees having been promised by the authorities (although there have been no results of any official investigation conducted) and the maintenance of the Albergue. This may have resulted, however, in attracting the attention of those forces that have threatened the Albergue in the past and, consequently, in ever smaller numbers of newcomers, despite the fact that the names of the residents are not communicated to the authorities.

70. In this climate of perpetual violations of international human rights standards which, inter alia, targets those considered "useless" to society, the internally displaced are particularly vulnerable to human rights abuses. Often, fleeing does not result in an end to persecution. The Representative was told of a number of incidents where displaced persons have been tracked down in their host areas and killed. Displacement also causes the curtailment of access to judicial and other authorities and political participation, since it usually requires interaction with the public authorities in the reception area.

2. Assistance needs

71. As noted earlier, a big part of the rural and urban population in Colombia is very poor. During his visits to Barrancabermeja (Santander) and Murindó (Antioquia) the Representative observed that internally displaced persons in both rural and urban areas share in the poverty of the local population. Although there seems to be no obvious food or health crisis, there is a general lack of adequate housing and basic services, especially in the urban areas. It was also not clear to what extent the rights to education and access to health care, especially of children, are being fulfilled. 46/ Government officials noted, for example, that the number of drop-outs from schools in substandard areas was very high. In areas where the Government had taken steps to address the needs of the local population, such as in Murindó, certain improvements in the living conditions had been achieved, even though much was left to be desired and the local population expressed a number of grievances during the Representative's visit with regard to the implementation of these steps.

72. In the urban areas the lack of employment and income generation opportunities is a serious problem, given its psycho-social effects especially on the younger generations who have grown up in a climate of violence and crime, and which unemployment fosters.

73. Very little return to areas of origin seems to be taking place, especially from the big urban centres, such as Bogotá. The reason is that at the moment there exist very few solutions to the fundamental causes of displacement. For example, as the Representative was told, for the peasants who have lost their land, either because they had to sell it very cheaply before they fled, or because it was taken over by (new) colonizers, return is no longer possible. Where the armed conflict is going on return is not an option either.

E. Measures taken by the Government

1. Attitude towards the problem of displacement

74. Until a few years ago the Government did not recognize that there was a problem of internal displacement in the country, either because it was seen as an indistinguishable part of a process of colonization and internal migration, or because it perceived the problem as a consequence of the violence for which it had repeatedly denied responsibility. Government officials believe that the issue has been very politicized in the past, seen in the context of human rights "extremism" and not in its humanitarian dimensions. They also thought that part of the problem has to do with the fact that the State in Colombia is not yet fully consolidated, which in some areas means that the civilian government is not fully represented, or not present at all.

75. In the last two years, however, there has been a significant opening to the humanitarian and human rights dimensions of displacement. The Government is one of the very few which have provided information on internal displacement to the Representative on its own initiative, despite the fact that, as mentioned above, it recognizes that up to the present time it has not been in a position to make an accurate pronouncement of the problem. It has adopted various measures for the protection and assistance of victims of violence and other vulnerable populations, including an increased cooperation with the international and the non-governmental communities with regard to human rights and the provision of humanitarian assistance. These developments are described in the following paragraphs.

2. Protection measures

76. One of the most important measures for the protection of human rights in Colombia has been the adoption of the new Constitution in 1991 which includes extensive references to human rights and creates a number of valuable mechanisms for their protection. Such is the creation of the Defensor del Pueblo, within the Ministry of Government (or Public Ministry), whose role is to oversee the promotion, exercise and dissemination of human rights. It has been characterized as an intermediary body between the State and the citizen and its work with NGOs in advising victims and in channelling information on human rights abuses has had positive results. Two regional offices in areas of conflict, i.e. in Barrancabermeja and in Apartadó, are said to have been established recently. Another measure was the introduction of the new legal remedy of the tutela, a right of rapid protection in cases in which constitutional rights have been or are in danger of being violated. A third one is the constitutional requirement that the Minister of Defence, now a civilian and accountable to Congress, initiate human rights training in the armed forces. 47/ A fourth one is the establishment of the Fiscalía, which is the governmental agency vested with the judicial authority to investigate human rights violations under the accusatory system. A fifth one has been the lifting of the state of emergency and the elaboration of four different types of emergency situations whereby certain constitutional provisions can be restricted, which can be declared following compliance with various constitutional guarantees.

77. Mechanisms in place before the Constitution have also been enhanced. For instance, the office of the Presidential Adviser for Human Rights, which was established in 1987, has provided an unprecedented institutional opening by working closely with NGOs and supporting promotion and protection activities. It has also undertaken some activities relating specifically to the internally displaced, i.e. soliciting the CPDIA mission and organizing, together with the NGOs and the UNDP office in Colombia, the seminar in which the Representative participated. 48/ The Office of the Procurador General (Procurator/Attorney-General), being an independent body which investigates and requests disciplinary actions in cases where public officials have violated the law, also has an important role in forming a coalition with the other government entities to respond to human rights problems and to internal displacement in particular.

78. Various problems have been identified with regard to the above measures. For example, neither the Office of the Defensor del Pueblo nor the Procuraduría have the power to investigate human rights abuses. The Office of the Defensor appears to be underfunded and not represented in the whole of the country. The Office of the Presidential Adviser can focus on promotion activities, but it has a much narrower role when it comes to protection. Local ombudsmen remain understaffed and threatened and one has reportedly been killed. 49/ Some of them told the Representative that they had no competence to follow up on the cases of human rights violations they transmitted to the local office of the Procuraduría. Local procuradores mentioned that cases concerning the Army had to be transferred to the central Procuraduría; one of them mentioned that in the 14 months he had been in office, none of the cases had been decided upon. The Fiscalía, the primary investigatory agency of the Government, has too many powers vested in one person, which means that his or her sympathies can influence the direction of the investigations. As for the tutela and other judiciary measures, as one local official pointed out, peasants rarely use them, either for lack of guidance and knowledge of the system, or fear of bringing a claim against a member of the armed forces, or because the members of the paramilitary are difficult to identify. The state of emergency has been effectively replaced by the declarations of "states of internal commotion", the latest one of which was declared in May 1994.

79. The Government elaborated a National Strategy against Violence in 1991, based on which peace dialogues with the guerrillas were initiated and other measures for the reintegration of drug traffickers and others outside the legal order were taken, through a "subjection to justice" policy. Despite these measures, peace dialogues have been suspended for the moment, as mentioned earlier, while rehabilitation projects for demobilized guerrillas are said to have been left incomplete.

80. In its letter to the Representative dated 16 November 1993 the Government mentions Directive No. 5 of 28 December 1991, which provides for action by governors and mayors to ensure accommodation in schools and coordination with NGOs in cases of voluntary change of residence because of particularly acute situations of violence, for support and advice from the Office of the Presidential Adviser for Human Rights and for facilitation of return.

Surprisingly, far from being implemented, none of the government officials the Representative consulted was aware of its existence. On the contrary, there is evidence of the establishment of "offices of orientation" which assist the displaced and other migrants with returning to their areas of origin upon arrival in an urban centre, 50/ in line, it would seem, with comments made by some government officials that migration to an urban centre was no solution to the security problems the peasant population faces. The emphasis seems to be on the prevention of the problematic resettlement of the migrant population in the cities, depending on the history of each case. The implementation of such projects must be closely monitored because refusal to receive the displaced could have serious human rights implications.

81. One other positive development has been the establishment and/or upgrading of reserves for the indigenous groups and the granting of collective management of traditional lands to the black communities, especially following the Constitution of 1991. Between 1987 and 1992, 15,000 million hectares of land have been allocated for the former. 51/ According to one commentator, these achievements have been possible partly because the indigenous and black communities in the country have been building strong base organizations, with less dogmatic positions than the left and consistent presence on the international scene.

82. In late 1993 the Government passed a police reform law establishing a civilian Police Commissioner's Office and a National Advisory Board. The armed forces also started a human rights awareness campaign, creating a special office staffed by civilians to advise the joint chiefs of staff on human rights issues and to develop training materials and programmes. The Representative was also told by government officials who have to work closely with the Army in cases where allegations for human rights violations have been made, that they have been surprised with the positive response and the excellent cooperation they have found, which they hope to maintain since it allows them to clear up human rights problems.

83. Despite undeniable progress in the area of human rights protection, practice still lags far behind. Especially in rural areas and in the various regions of the country where the military has a stronger position, the human rights situation seems to be grave: too few violations are being investigated, often with little results. One local official in the judicial service mentioned that sometimes they feel the army perceives them as "useful idiots" and accuses them of investigating only allegations made by the guerrillas. Another local government official said that when allegations against the Army are made, the Army responds that it has acted within the boundaries of the law and that whoever has complaints can go to the battalion to lodge them; he hastened to add that very few do so. If allegations that perpetrators of such violations are not only purged from the ranks of the Government but even decorated and promoted are true, then one reaches the unavoidable conclusion that the Government has so far tolerated terrorism.

84. Nevertheless, there are many instances where the Army has been instrumental in assisting the population in cases of disasters or grave needs. It is probably also true that many army officers would like to ingratiate themselves with the local population and resent the fact that there is so much fear on its part. Members of the Army with whom the Representative spoke said

that they fought only those who are uniformed, who carry arms and attack them; they said they felt that the role of the Army was to protect the community and that it was, therefore, regrettable that sometimes the community feared patrols.

85. One government official explained that Colombia had been very active in the negotiations preceding the adoption of the two Protocols Additional to the Geneva Conventions of 12 August 1949 which codify international humanitarian law, but later the Army had opposed their signature for various reasons. One was the fear that they would open the way to international intervention in matters of public order and would bring to light its inability to deal with them. There was also a fear that it would give the status of belligerent parties to the ELN and the Simon Bolívar guerrilla groups, especially since they had adopted humanitarian law discourse in their strategies. A third reason for opposition was that Colombia had proposed that it should be the Government of the country concerned that should determine who would qualify as a subject of article 1 of the Protocol, a proposal which had not been accepted. Nevertheless, the Representative was told that the Government has recently presented to Congress a law for the ratification of Protocol II Additional to the Geneva Conventions.

3. Assistance to the internally displaced

86. By Decree 281 of 1992 the Government created the Solidarity and Emergency Fund of the Presidency (FOSES), as requested by transitory article 46 of the Constitution, which targets the population of civilians who have been victimized by the armed conflict. In 1993 FOSES concluded an agreement with the national Red Cross, because of its large infrastructure, its experience and its credibility, for the channelling of assistance to the victims of violence, including internally displaced persons. FOSES, together with the Office of the Presidential Adviser for Human Rights, has recently concluded an agreement for the establishment of a few pilot programmes, mainly small production projects to assist the internally displaced, in Urabá, the Llanos, the Magdalena Medio and in Cordoba. Another funding institution is the National Rehabilitation Plan (PNR), which carries out social investment projects in rural areas affected by the violence.

87. One government official mentioned that FOSES requires too much "red tape" (i.e. proof of identity and of victimization) before it provides any assistance to victims, which in any event is purely financial and of a very temporary nature. Another mentioned that FOSES and PNR funds were inadequate and that the Government had not yet solved the funding issue. Yet another mentioned that the more important problem was how to find funds for the creation of productive projects and how to identify economic opportunities. NGOs mentioned that in Urabá, for instance, there had been no pilot project established and that widows and orphans in the area had had no access to FOSES funds so far. Others expressed concern that FOSES and PNR monies, which had occasionally been promised but never arrived, had been used for other purposes.

88. Article 58 of the Constitution of Colombia guarantees the right to decent housing. Because of the existing serious housing shortage and the poor housing conditions, the Government has set a target of constructing 539,000 housing units and has set up a National Institute for Social Housing and Urban Reform (INURBE) whose task is to improve living conditions in urban areas. 52/ Yet, one commentator mentioned that such projects only generate false expectations, especially in the rural areas, where the population does not benefit from them. Government officials mentioned that the Government faced serious problems in areas such as Ciudad Bolívar, where the cost of reducing risks from landslides or of providing services such as water and transportation was extremely high. They referred to cases where international funds had been devoted to improving the living standard there, which resulted in prices surging while the end result was meagre. They also thought that what few services were being provided were an achievement given that the slums had been built illegally and without a plan. They also thought that lack of funds was a serious problem. For instance, a housing project for 5,600 units in the area of Bogotá which had started eight years ago had still not been finished.

89. The National Office for Disaster Prevention and Relief in Colombia is the government agency responsible for responding to crises occurring because of natural disasters. The Representative was unable to meet with representatives of the Office as shortly prior to his arrival in the country a major earthquake in Cauca had required the immediate attention and involvement of the officials concerned. To the Representative's question as to why this Office was not also involved with providing assistance to displaced persons other than those displaced because of natural disasters, government officials explained that the Office did not have experience with violence-induced displacement. This confirms earlier observations that the needs of these two groups tend to be different, at least in Colombia.

90. With regard to the distribution of land, one governmental agency, the Institute of Agrarian Reform (INCORA), is charged with the responsibility of distributing State land or purchasing/expropriating and redistributing land to landless peasants, or providing other types of assistance. The Minister of Agriculture referred to a very recent law on agrarian reform, according to which land property in certain areas of high colonization is restricted to a maximum size, and explained that urban dwellers can also benefit from INCORA projects. One government official mentioned that INCORA assistance to landless peasants is not enough; he also said that even granting land may not be enough. Much as it would like to, the Government lacks the resources to extend credits to farmers, or to invest in education and in major development projects targeting the peasant population so that they do not fall prey to the guerrillas and the drug traffickers. The Minister of Agriculture thought that agrarian reforms had to go hand in hand with housing and education projects and that to implement the new law would require at least twice the budget. One commentator expressed his concern that the new law contained certain procedural provisions which could block processes initiated by INCORA and thought that the fact that the law penalized peasant land occupations was a regressive element in comparison to the previous legal system.

91. In addition to the above, the Government has established a number of inter agency bodies, such as the committee on human rights and the regional committees of public order, in which the DAS, the armed forces and the police, together with representatives of the Procuraduría and the Fiscalía, participate. It has recently also established a committee on internally displaced persons with representatives from the National Planning Department and the Ministries of National Planning, Development, Health, Education, Agriculture and others, which up to now has evaluated various initiatives, but has not reached any concrete arrangements.

92. Some commentators have noted that there is not yet any integral policy within the Government on the issue of displacement. According to them there is still great confusion in the division of work between the agencies and lack of coordination, while certain agencies are not included at all in this process. Government officials stressed that there is a need for a common way of thinking to be developed.

F. The role of the non-governmental community

93. In Colombia the non-governmental community, which is understood here to include the Church, the local NGOs and the university, plays a very important role vis-à-vis internally displaced persons, both on the protection and on the assistance level. The most promising work seems to be done by local groups, with support in training, legal services and fund-raising from national and international groups based in Bogotá. 53/

94. The Church is the most important social institution in Colombia and is present throughout the country. Lately it has shown a significant interest in the problem of internal displacement: the Episcopal Conference, for instance, has initiated a year-long project to document the numbers of the internally displaced, at the parish level throughout the country. Sixty-eight dioceses are participating; the social researchers in charge of the project have widely distributed a set of questionnaires for the identification of displaced and other groups to governmental agencies, NGOs and social organizations and are also conducting interviews with the displaced. The results of the research, to be announced later in the year, are expected to be the most comprehensive documentation of internal displacement in the country, despite pressures by various actors in the conflict and the fear of the displaced, which have been major obstacles. Through its involvement the Church has given credibility to the claims of the displaced community and as its organizations have avoided political suspicions, funds by the international community for protection of human rights and assistance work have been channelled to it. In many areas of the country it is also implementing "pastoral dialogue for peace" projects.

95. The involvement of the universities in studying displacement and its causes is also a welcome step: not only do they produce much needed comprehensive information, they also concentrate intellectual and social forces, provide a forum for discourse and train a new generation to face the social reality of the country.

96. For analytical reasons one could say that, based on the work they do with or for the displaced, the local NGOs in the country can be divided in four categories: those oriented towards providing specialized assistance to

the displaced, those which provide assistance but are based on political ties, those geared towards promoting social organization and the general human rights NGOs. The first category includes those NGOs whose premise is that the displaced need to be serviced, irrespective of the cause of displacement, and who have selected one type of assistance which they provide, for example, funds for small income-generation projects or small-scale development schemes, psychological/psychiatric services, provision of shelter, projects for return to the home area, technical assistance, child care, specialized programmes for adolescents, legal assistance, human rights training to secondary school students, special assistance for widows, etc. The second includes groups with ties to existing political and other organizations, often much more known to the displaced for this reason, who provide emergency assistance. The third one includes groups which emphasize local, grass-roots-level organizations, for instance local human rights committees, local workshops, prevention schemes, etc. The fourth one is comprised of the organizations with a specialization in the protection of human rights, legal services, investigations, promotion in the international arena and mobilization and support for victims of human rights violations.

97. It is important to underscore that the work these organizations are doing, in one or the other field, is vital in view of the limited response of the State and the entrenched distrust, on occasion, between the displaced and the State. Some of them have a multitude of activities in more than one of the sectors mentioned above. However, due to the very different premises on which they operate, as well as their different specializations, they have up to now been fragmented and inefficiently coordinated. For instance, neither the second nor the fourth group has any expertise in development; the second could even be dangerous for the displaced associated with them, because it "politicizes" the problem of displacement; yet the first and third have to start from scratch in approaching the community and becoming accustomed to its background and specific needs and may have little effect in promoting long-term solutions. For all these reasons, efforts to bring them together, such as the seminar at which the Representative was present and the Grupo de Trabajo para Desplazados (Working Group on Displaced Persons), seem to be extremely beneficial for purposes of networking and coordination, exchange of ideas, experiences and expertise, and rapid mobilization, unfortunately not only for the provision of assistance to the displaced, but also when they themselves feel threatened.

98. One other problematic area is that of the attitude of the State towards the non-governmental community. The NGOs complained consistently of a hostile attitude, which in some cases has reached serious levels, and government officials acknowledged that some in the mechanism of the State unfortunately perceive NGO workers as "leftists". The Representative heard testimonies concerning members of human rights NGOs in particular who have been harassed by the security or the police forces and who had asked subsequently for special protection, to no effect. Other NGOs who have sought funds to provide assistance to the displaced said they had had no cooperation from the State. Some NGOs are doing a thorough job in investigating human rights abuses and transmitting this information to the Government; they expressed disappointment at the lack of a strong commitment on the part of the Government to take measures to end impunity.

99. Some commentators blamed the conflicts which have destroyed the social fabric in the country for the fact that most of the NGOs are small and lack the expertise and capacity to undertake major projects. Despite the fact that NGOs exist in most parts of the country, it is not clear to what extent they actually manage to cover the needs of all the displaced. This is partly the reason why the Government has major difficulties directing funds to NGOs, whereas it has opted to cooperate with the national Red Cross.

100. In the last few months there seems to have been a serious opening up of the Government to the work of the NGOs, which the NGOs themselves recognize. Some government officials, both at the central and the local levels, recognized that the non-governmental community was doing important work, often with no support from the State. However, some NGOs felt that this should not remain at the level of a receptive attitude; much more serious measures should be taken by the Government to change the existing attitude of "finger-pointing" and to enhance cooperation with them. They also believed that much of this new receptivity has been caused by recent international concern with the human rights record of the country, and that it extends only to the progressive elements within the Government. Officials in the local governments tended to confirm this conclusion.

G. The role of the international community

101. International presence in the country vis-à-vis the internally displaced and, more generally, the victims of violence and persecution, is minimal. The only permanent international representation is a small delegation of the International Committee of the Red Cross, with a presence in the most affected areas (Popayán, Montería, Apartadó and Bucaramanga), which undertakes protection and assistance activities for the victimized civilian population (including visits to detainees, dissemination of humanitarian law, tracing and material assistance to those recently displaced) and support for the national Red Cross. There is also an international NGO consortium, the Project Counselling Service for Latin American Refugees (PCS), which operates in the region and has recently established an office in Colombia, and which acted as the NGO coordinator for the visit of the Representative. This organization works on four fronts, namely, emergency response and protection of internally displaced persons, social development and organization projects, coordination and international awareness-raising. International Brigades will also establish a presence within the next few months in Barrancabermeja and in Bogotá.

102. Foreign Governments sometimes channel assistance and protection funds to the displaced directly through local NGOs. The international NGO network known as the International Council for Voluntary Agencies (ICVA) has also sponsored a series of Colombian and pan-Andean initiatives that have led to important awareness-raising in the region. The international NGO presence has helped put the issue of the internally displaced on the domestic agenda (including the Government and the Church) and has encouraged the domestic NGOs to work together in a less sectarian and more professional way.

103. Many United Nations and inter-American agencies are present in the country but are not directly involved with the internally displaced (with the partial exception of the World Food Programme, which funds an NGO project for

internally displaced persons in Antioquia). Included are the Food and Agriculture Organization of the United Nations (FAO), the Pan American Health Organization (PAHO/WHO), the United Nations International Drug Control Programme (UNIDCP), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), the United Nations Information Centre (UNIC), the United Nations Children's Fund (UNICEF), the United Nations Industrial Development Organization (UNIDO), the World Food Programme (WFP), the World Bank, the Inter-American Development Bank (IDB) and the Organization of American States (OAS). The Office of the United Nations High Commissioner for Refugees (UNHCR) is not present in the country, since the number of refugees present appears to be small, while displacement within Colombia creates very little external displacement, i.e. refugee flows, and has not yet warranted the attention of the organization. The Government has also opposed an extension of the mandate of UNHCR to include internally displaced persons and preventive activity, because such attempts could mean a redirection of its entirely humanitarian nature towards a more political one, while what needs strengthening, according to the Government, is intergovernmental technical assistance and cooperation. 54/

104. UNDP has supported government projects and institutions for human rights since 1987, with the assistance, initially of the Centre for Human Rights, and has exhibited a certain degree of international solidarity with the human rights movement in the country. It helped to set up the Office of the Presidential Adviser for Human Rights financially, with the support of the Dutch Government. It has also participated in the programmes for the education of the army and for the local ombudsmen. 55/ UNDP has not yet played a significant role in the protection of human rights, however, nor has it been involved in an assessment of the humanitarian needs of the displaced. Also, it has no independent liaising capacity with the NGOs.

105. The visit of the Representative helped highlight another important development in the Americas in the field of internal displacement, namely the establishment of the CPDIA by the Inter-American Institute for Human Rights (initially as an ad hoc working group) to provide a forum for consultation with the participation of almost all intergovernmental agencies and a few NGOs involved in the field. The CPDIA has made significant advances on definitional, methodological and legal issues and is increasingly active in the area of internal displacement in Latin America. Given the lack of attention to the issue in South America, in contrast to the experience of the International Conference on Central American Refugees (Guatemala City, May 1989) in Central America, 56/ this is an important development.

106. During the Representative's visit NGOs consistently proposed that a special rapporteur on the situation of human rights in Colombia be appointed. In their view this would maintain the level of pressure which has been catalytic in the recent openness of the Government and vital for the protection of human rights. The Government itself thought that this could paralyse current efforts to address human rights violations and to enhance cooperation with the NGOs: they deem that international pressure could be counterproductive and that a low-key presence, if any, would be a better option. Government officials also believed that a continued role of the Representative in the area of internally displaced persons would be important.

107. One government official stressed that the country needed more international assistance to battle the drug trade and to control weapons sales; he observed that a reduction in the world consumption of drugs and equality in the market, especially for agricultural commodities, would benefit the country as much as anything else. 57/

III. CONCLUSIONS AND RECOMMENDATIONS

A. Definition of "internally displaced persons"

108. The situation the Representative observed in Colombia challenges in many respects the working definition of the term "internally displaced person". 58/ For example, in Colombia, there is no consensus as to the definition used. The Government includes "natural disasters" in the causes of internal displacement, while the Catholic Church in its survey and the NGOs do not. The Representative noticed that government projects relating to victims of natural disasters, which have been in place for a number of years, differ from those relating to other causes of displacement, and the two sets of projects are not integrated or coordinated. 59/ The recent projects of the Government for victims of violence mentioned above are on the whole not designed to address specifically the needs of the displaced. One of the first steps in the country should be to reach an agreement on a working definition to be used flexibly as a basis for a better streamlining of resources and a more coherent division of responsibilities and work.

109. Having said that, it is also important to define other target groups in the country (for instance, peasants in high risk of being displaced, citizens belonging to indigenous groups or the black minority, poor urban dwellers, victims of natural disasters, victims of armed conflict, victims of urban violence, widows, etc.) and to determine the extent to which the needs for protection and/or assistance overlap or are different, and to design integrated (i.e. "community"-targeted) projects that respond to the relevant needs. With regard to the displaced themselves, the pattern of displacement in each region and in each case will also have to be taken into account, including the size of the displaced group, the characteristics of the areas of expulsion and reception (urban or rural), the cause(s) of displacement and migration, and the duration of the displacement.

110. The Colombian situation highlights a further element. While undoubtedly "large numbers" of people do flee in cases of operations of a military character in Colombia, and while the overall number of those who have been displaced is large, there are equally many who flee in very small numbers, for example, families or individuals. It was explained to the Representative that displaced persons fear being identified as that endangers their security. Instead, they prefer to be assimilated into the community. As a consequence, the problems of the internally displaced are generally the same as those of the community, which generally shares the same plight of poverty and deprivation. The displaced should therefore not be treated as an undifferentiated mass, not even conceptually: any attempt to define the term should be flexible enough to "fit" all the individuals concerned and their needs. Some distinction between internally displaced persons and former internally displaced persons may also have to be made on the basis of criteria

such as time/regularization of settlement to another area. At the same time they have to be differentiated from other groups in so far as their needs for protection and assistance are specific.

B. Protection and assistance

111. Protection of the civil, political, economic, social and cultural rights of all the citizens, including the internally displaced, irrespective of their ideology, is the duty of any Government. Obviously, strengthening the democratic institutions results in better protection for the displaced and a decrease in the probability of future displacement. It is fair to say that the Colombian Government has begun to take some steps to alleviate the plight of the displaced in the country and to strengthen human rights protection for all its citizens. These steps, modest and tentative though they may be, are acknowledged within the country and by the international community and need to be further supported and enhanced. To that end it is important to have a clear and accurate picture as to the actual effectiveness or ineffectiveness and extent of these projects if they are to be supplemented by international resources, as the Government wishes.

112. Current developments towards "depoliticization" of the issue of internal displacement are most welcome, since they appear to result in more effective responses. Depoliticization in this context means that the study of the causes of displacement must be methodologically sound and not turned into a political weapon; and the displaced themselves must be seen as victims and not as political pawns. Awareness-raising campaigns to that effect seem indispensable. Victims of human rights violations (and those who support and defend them) should also be seen in the same light irrespective of their political, historical, geographical or other background. This is not to say that existing political expressions are not important. Political organizations, however, should also approach the issue of displacement in the same humanitarian light, for the sake of the displaced.

113. Human rights and humanitarian NGOs should be perceived by the Government as partners in its efforts to care for its displaced. Since the arm of the Government cannot reach everywhere, those who possess local knowledge and enjoy the trust of the displaced have to be entrusted with funds and given the guarantees (and the security) to do their work. This would allow a better streamlining of the few resources available and a more efficient division of tasks. It is, furthermore, beyond doubt that the work of human rights NGOs which engage in legal assistance for victims of human rights violations must be fully supported by the Government given its protective value for these persons. The seminar the Representative participated in is an excellent first step towards increased cooperation and exchange of opinions and the Representative sincerely hopes that the Government, the NGO community and all the other participants will use its Final Declaration as a standard for their future work and cooperation in providing protection and assistance to the displaced (the Declaration is reproduced in annex I).

114. Measures to strengthen the protection of human rights have to be further enhanced. In this respect the Representative would like to draw attention to recommendations made by previous human rights missions in the country and the concern expressed over the seriousness of the evidence relating to the

country's human rights record. This evidence suggests that the effectiveness of those measures already taken has yet to be fully demonstrated. It also suggests that cooperation within the Government itself has to be enhanced in protecting human rights. As relates more specifically to internally displaced persons, the Representative would like to underline the importance of strengthening the protection of: (i) land and property rights, (ii) humanitarian law norms that prohibit displacement and (iii) the right to life and physical integrity, especially during and immediately following displacement. Provisions for special treatment for the protection of rights of women, and of widows in particular, have also been recommended.

115. Preventive activities require that citizens understand the value of the concept "all for one and one for all" when it comes to protection of fundamental human rights. They should be encouraged to protect each other and each other's property especially in the adverse circumstances of conflict. This means neither organizing support for the guerrillas to protect them, nor teaching the peasants how to resist the guerrillas, as one government official said. Preventive activities of this type should be implemented as a matter of urgency in areas where displacement can be expected, for instance in the departments of Sucre, Chocó, Arauca and Casanare.

116. Human rights promotion and protection at the local level are very important, especially in areas where the central Government has little influence. The work of local human rights committees, wherein local ombudsmen and representatives of social organizations, unions, local businesses, the police, the military and the Church participate, must be strengthened. This would facilitate communication not only in cases of allegations of human rights violations but also in cases where there is a high risk of displacement. Human rights training and promotion in schools, unions, the local military and through the organization of workshops, for instance by the local human rights committees, are all excellent initiatives that have to be maintained and further enhanced. The Representative was especially impressed by a number of women's organizations which work with the displaced, the poor, the women and the children in various areas of the country.

117. The internally displaced, especially the women, are currently not organized and should be encouraged to become more involved in what organizational structures already exist at the local le . Whether conditions permit or in fact require that they create their own, separate, organizations, is something that they themselves will have to assess.

118. Projects for the provision of emergency humanitarian assistance, shelter, financial support, health care and psychological assistance during the post-displacement emergency phase, designed specifically for the displaced, need to be significantly enhanced. These should have the objective of rapid response without causing a negative impact on the community of reception. Cooperation between the State and the non-governmental community, especially the Church and the Red Cross, already initiated in several cases, is indispensable. The few organizations founded by women to provide relief assistance and support for income-generating projects have already shown their potential; they should serve as models for other similar organizations. Legal assistance and guidance to the various State mechanisms which can provide relief is also necessary, and could be achieved to some extent through such

means as publications or leaflets. Return projects, wherever feasible, and with adequate developmental elements built in, must be pursued, especially in view of the fact that taking up permanent residence in the slum belts around the cities is not a good solution. To that effect measures to assist the displaced to remain near their homes and lands, where appropriate, should be implemented. Human rights training and empowerment techniques are essential elements of any project of return.

119. At later stages provision of assistance to the displaced would seem to be more appropriate in the context of general public policies addressing inequality, poverty and marginalization, both at the local and at the national level, depending on the policy in question. If the country can continue to be proud of its economic growth, then some of this growth must reach the poorest layers of the society in more concrete ways than is now the case. Apart from the various obvious needs for the provision of basic public services at least in some urban zones, there is a serious need for social and economic projects that increase employment opportunities especially, for the youth, and for income-generation projects both in urban and in rural areas. If required, these policies should contain elements of priority and special treatment for the displaced. They should further promote gender equality and encourage the self-sustainment of the displaced.

120. The planning and carrying out of social and economic programmes and emergency assistance projects run by government institutions appear to be in need of more funds, a substantial increase in the level of coordination and simplification of the procedures in order to respond to the needs of their potential beneficiaries.

121. Finally, the Representative would like to appeal to the Government of Colombia to take steps to implement the useful proposals contained in the CPDIA report.

C. Addressing the causes of displacement

122. It would be presumptuous to try in the context of this report to address a situation as complex as the one in Colombia and make detailed recommendations for solutions which would be of any value in view of the problems. Furthermore, valuable suggestions to that effect have been made in many studies and reports, to which the Representative wishes to draw once again the attention of the Government. It is beyond doubt that peace in the country is the sine qua non for a decrease in the level of displacement and for the alleviation of the plight of the victims. Peace requires not only demobilization of all illegal armed groups but also the solution of some of the fundamental socio-economic problems. The question is whether the Government is able and willing to address them.

123. The traditional position of the Government has been that drug traffickers and guerrillas are responsible for human rights violations and violence in the country. In its contacts with the Representative the Government also adopted the position that elements from within the military forces and paramilitary groups are also to a large extent responsible for violations of human rights and humanitarian law, but that the Government has consistently denied that this is official policy and is therefore not responsible.

124. The Representative observed, furthermore, that the Government is not monolithic in its approach to the fundamental problems of the country. There was much candidness and openness on the part of many government officials in discussing these with him, although a more collective willingness to tackle them, as evinced from progress towards solutions made in the past 50 years, seems to be lacking. What efforts have been undertaken, as one government official put it, have been largely of an ad hoc nature and detached from reality. There appears to be a wide disparity between the numerous ideas and projects presented to the Representative and their actual implementation in almost every sector of the administration (whether it is human rights, humanitarian assistance, housing projects or land reform). In their discussions with the Representative, government officials frequently used the word "desafortunadamente" (unfortunately) in their description of the situation, indicating both their awareness and their helplessness. Emphasis was generally placed on the complexities of the situation, again implying a rationalization for the helplessness. While the Representative appreciated their apparent knowledge of the situation, the frankness with which they spoke about it and the sincerity of their concern, it must be pointed out that the complexities, undeniable though they may be, do not absolve the Government of its responsibilities.

125. A rough assessment of the situation suggests that: (i) given the size of the country and the relative weakness of the Government, the fact that the Government is centralized encourages the formation of local dynamics, due to which government policies cannot be effectively implemented; (ii) the current political system, with two (clientelist in nature) parties sharing power for the past 35 years and attracting only 32 per cent of the electorate, has not allowed for the full inclusion of all the citizens in the democratic and political processes and has permitted power effectively to be retained largely within these two parties; (iii) part of the policies of these two parties (and the respective Governments) has been the adoption of national security legislation and of a modus vivendi with the armed forces (evidence heard by the Representative regarding human rights violations suggests that the possibility that this co-existence may have become complicity on occasion cannot be altogether excluded; (iv) the unending spiral of violence supports allegations to the effect that it has come to play a social function in Colombia. Unless the socio-economic and political causes of the violence are dealt with, the pretext of violence can be used for ever-increasing repression and for more violence.

126. To counter the above it would seem that the Government of Colombia has to face up to the problems and take immediate action on several fronts with what resources it has. The most obvious one is to embark on an extensive "project of tolerance", starting with reinitiation of peace dialogues with the guerrillas: many in Colombia, including government officials, suggested that the guerrillas have a political role to play and have to be seen as such and not just as criminals and drug traffickers. They suggested that certain of guerrillas' positions have been acknowledged by the Government in the past and would have to be taken into account. Were a peace agreement to be reached, the next step would be to disband the paramilitary groups, whose role would be of lesser value, and to purge the ranks of the military. In addition, however, there is a need to "depoliticize" the role of the civilian authorities in the country: as one government official said, the civilian

Government is caught in the middle - if one defends human rights one is called a guerrilla, while if one defends the Army, one is called a paramilitary. This "project of tolerance" needs to extend to every citizen, including members of the military, the displaced and NGO activists.

127. Another step would be to open up spaces for legitimate social action primarily at the micro-level. Grass-roots projects and the local organization of the citizens seem to have had beneficial effects on the local population and should be promoted and supported. For instance, grass-roots reconciliation initiatives should be supported, since they provide a firm basis for peace agreements at the national level. The need for measures of serious land reform, strengthening of the judiciary, decentralization and better internal control of the military is accepted by the Government but cannot be discussed comprehensively in the context of the present report.

D. The involvement of the international community

128. There is no doubt that in Colombia, as in any other country, solutions to the problems described in the present report can be found only within the country. However, in the "project of tolerance" mentioned above, support by and involvement of the international community may be beneficial if not, in fact, indispensable, if internal resources have been exhausted. For instance, negotiations with the guerrillas have been going on for the past 10 years, with some, but not full results yet. The international community has observed these peace efforts, but could be invited to play a more active role, e.g. in the form of a mediator, to assist the Government with the implementation of its peace commitments.

129. The Representative, along with many of the government officials he spoke with, believes that the role of the international community in the promotion of human rights in Colombia has so far been very important in increasing security (which, in turn, is a sine qua non for return projects and for peace). He also believes that support by the international community for the work of human rights and humanitarian NGOs in the country has shown beneficial results and should be enhanced.

130. Without wishing to diminish at all the importance of constant international monitoring and scrutiny of the human rights record of the country, the Representative would like to highlight at least two areas to which he considers that international assistance should be directed and further supplemented. The first one is that of financial assistance and technical support and advice for the non-governmental community in the country which works with the displaced directly. The second, closely linked to the first, is training of administrators of human rights and humanitarian NGOs, in the spirit of "depoliticization" mentioned above, who will be in a position to document and analyse the problems professionally and work towards their solutions. The Representative would also recommend that international human rights missions, such as by the rapporteur on extrajudicial, summary or arbitrary executions or the Working Group on Enforced or Involuntary Disappearances, continue to take place in order, inter alia, to verify the extent of implementation of the results of their previous missions in the

country. He also considers that the Advisory Services and Technical Assistance Branch of the Centre for Human Rights should maintain a close relationship with the UNDP human rights programme and provide advice on further developments.

131. The Representative further considers that international involvement to monitor developments and provide an input in the area of internally displaced persons is indispensable. This was also acknowledged in the seminar, whose follow-up committee will now include UNDP in addition to other international representatives. Such international involvement, with the consent of the Government, is necessary in order to enhance the effectiveness of international efforts to ensure that essential humanitarian needs in the country are met. It would also be beneficial in order to help keep open the channels of communication within the country, with the Government, the non-governmental organizations and the international community and in concretizing the approach of the international community by providing a means of liaising with the relevant agencies and organs (among others, the High Commissioner for Human Rights, the Commission on Human Rights, the Committee on Economic, Social and Cultural Rights, the Human Rights Committee and the other human rights mechanisms, the ILO, the Bretton Woods institutions, the OAS, the Inter-American Commission on Human Rights and the CPDIA) in the human rights, humanitarian and development fields. An international humanitarian/human rights liaison officer could provide advice to the resident United Nations agencies in the country as well as other United Nations mechanisms not present in Colombia in order to enhance the effectiveness of international efforts to ensure that essential humanitarian needs in the country are met.

132. Development assistance could also acquire one additional dimension in Colombia: as suggested by UNIDO, this could take the form of the establishment of micro-enterprise projects to benefit the displaced. Other such programmes, aiming at sustainable development and connected to prevention, reception and return projects, would also have positive effects on the target population, especially since employment and self-employment have therapeutic effects on those displaced and facilitate their social re-integration. In this respect an exchange of ideas and experiences with the international organizations active in Central America (e.g. PRODERE), perhaps with the support of the CPDIA, would be very useful.

133. Finally, the Representative would once again want to reiterate the guiding principles in the implementation of his mandate and the degree to which they applied to the case of Colombia. The first is to operate on the assumption that both the Government and the international community have a common goal in providing protection and assistance to the internally displaced. Towards that end, cooperation is a mutual objective. The second is that human rights and humanitarian concerns are inextricably tied together and are mutually reinforcing. The third is that the plight of the internally displaced and that of the community in which they reside are often interlinked and should therefore be treated as such.

134. The mission to Colombia was a great success on all those grounds. First, the cooperative disposition of the Government was not only demonstrated in the invitation and the discussions with the authorities, but also in the seminar

jointly sponsored by the Government, UNDP and the NGO community concerned with the internally displaced. Secondly, although there was a conspicuous gap between intentions and performance, the Government was clearly concerned with both the human rights and humanitarian aspects of the problems of internal displacement and appeared committed to improving the record on both fronts. And thirdly, the nature of internal displacement in Colombia, in which the displaced "protect" themselves by "disappearing" into the community, makes the situation of the internally displaced in Colombia, even more than in other countries, closely intertwined with the problems of the community as a whole, which would in turn favour seeing their needs for services and development as inseparable.

135. The Colombian mission also shows that while there are close similarities in the conditions of internal displacement in the affected countries, there are also significant differences. This in turn highlights the importance of country profiles and visits in both understanding the generic problems of internal displacement as a global phenomenon and appreciating the uniqueness of the situation in each country in order to devise the protection and assistance strategies appropriate to the particular context of the case in point.

Notes

1/ The reports mentioned in this paragraph are the following: Consulta Permanente sobre Desplazamiento Interno en las Américas, Informe Final, Misión in situ de Asistencia Técnica sobre Desplazamiento Interno en Colombia (draft, noviembre 1993 [hereinafter CPDIA report]; Report of the Human Rights Committee (A/47/40) (9 October 1992); Summary records of the 944th and 945th meetings of the Committee on the Elimination of Racial Discrimination (CERD/C/SR.944-945). Comments made by the Committee of Experts of the International Labour Organisation on the application of ILO Convention No. 107 by Colombia, transmitted to the Under-Secretary-General for Human Rights by letter dated 22 December 1992; Report on the visit to Colombia by two members of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1989/18/Add.1) (6 February 1989); Report on the visit to Colombia by the Special Rapporteur on summary or arbitrary executions (E/CN.4/1990/22/Add.1) (24 January 1990); Report of the evaluation mission on the support project for the Office of the Presidential Adviser for the Promotion and Protection of Human Rights of Colombia (E/CN.4/1993/61/Add.3) (6 September 1993), United Nations System, Resident Coordinator in Colombia, Human Rights and Overcoming Violence in Colombia (July 1993), Report on the mission of the Permanent Consultation on internal displacement in the Americas (November 1993).

2/ See, e.g., U.S. Committee for Refugees, Feeding the Tiger: Colombia's Internally Displaced People (1993) at 1 [hereinafter USCR report]; ICVA, Mission to Colombia (1991) at 10.

3/ Letter dated 16 November 1994.

4/ Revised definition, approved in the course of the Technical Meeting of CPDIA on 15 April 1993.

5/ CPDIA report at 5.

6/ There exists a vast amount of literature on the subject of violence in Colombia.

7/ See Alejandro Valencia Villa, Desplazamiento Interno en Colombia (May 1993), citing Paul Oquist, Violencia, Conflicto y Política en Colombia (1978) at 324.

8/ Mainly with the Revolutionary Armed Forces of Colombia (or FARC) which later reverted to armed action.

9/ These groups included the M-19, the Revolutionary Workers' Party, the indigenous guerrilla Quintin Lame and a part of the People's Liberation Army (EPL).

10/ Human Development Report 1993.

11/ Asociación SETA, Colombia: Misión de Identificación de Derechos Humanos en Colombia, Informe de Misión at 7.

12/ See CPDIA report at 14-15.

13/ See Rueschmeyer et al., Capitalist Development and Democracy (1992). Through comparative historical and economic surveys of the countries of South America, the authors conclude that in labour intensive agricultural economies where no thorough land reform occurred, large landowners remained powerful economic and political actors and obstructed the process to full democratization.

14/ This fact is also widely acknowledged by many other sources. See, for example: Amnesty International, Colombia: Political Violence: Myth and Reality (1994), Country reports on human rights practices for 1993, report on Colombia (1994) at 393.

15/ Paragraph 64.

16/ Rueshmeyer et al., op. cit., at 163.

17/ Ibid. at 196.

18/ However, compare Colombia's third periodic report to the Human Rights Committee (CCPR/C/64/Add.3), in which the Government notes that despite high economic development, guerrillas and drug-traffickers, using socio-economic inequalities as justification, threaten the judicial system with collapse as they enjoy virtual impunity, which makes those citizens who have lost faith in the State form paramilitary groups.

19/ Also, in its 1993 human rights report the United States State Department asserts that the Army and the police appear to be jointly responsible for almost as many violations as the combined non-governmental groups.

20/ See also Diego Pérez, La Realidad del Desplazamiento Interno en Colombia: las Otras Victimas de la Guerra (1993); Jorge Rojas, Desplazamiento, Derechos Humanos y Conflicto Armado (1993); Alejandro Vallencia Villa, Balance y Perspectivas de los Mecanismos Internacionales de Protección Jurídica de los Desplazados (1993), Carlos Alberto Ruiz, El Proceso de Guerra y Desplazamiento (1993), Cristina Zeledón, Mecanismos Internacionales de Protección Jurídica de Desplazados (1993).

21/ See also CPDIA report at 10 and at 17 seq; and Diego Pérez, ibid.

22/ Meta and the eastern Llanos (plains) are very rich in natural resources, and for agriculture and cattle raising. Traditionally, it has been an area of colonization and cattle ranchers, landowners and paramilitaries. The FARC have strong bases here (their headquarters is in Uribe) and the ELN are also present; the UP emerged here after the 1985 peace agreements. Serious violations of human rights have occurred and continue to occur here. The displaced usually flee to Villavicencio, the capital of Meta.

23/ "Urabá" (or the banana region) has been described as a new area of economic exploitation, a region of acute conflict at the moment and very militarized. Cordoba has seen rapid economic growth, which is in contrast to the extremely low wages and the highly unequal land distribution (the EPL is said to have been defeated here, along with the peasant unions which were very strong). The displaced go usually to Montería or Medellín.

24/ An area of acute conflict, where the paramilitaries first made their appearance. In 1988 5,500 peasants are said to have fled from 12 villages to Barrancabermeja and Bucaramanga due to paramilitary activities.

25/ Norte de Santander has been described as an oil-rich and commercially important region, where the peasant unions have been strong and where the guerrillas (ELN) have been present for the past 20 years. Drug cartels are said not to have been as established here as in Cordoba or Meta. An increased presence of the paramilitaries and the Mobile Brigades lately, combined with a weak presence of the State, have led to more allegations of human rights violations in the area. The displaced either go to Tibú or Ocaña or Cúcuta or become refugees in Venezuela.

26/ Putumayo is Colombia's leading drug producing state. The drugs brought along paramilitaries and sicarios. Guerrillas (the FARC) have also been present in the area. Lack of border security has also caused displacement here. The Quintin Lame indigenous insurgent group was active in Cauca. Puerto Asis is one of the areas both of reception and expulsion.

27/ According to the Comisión Andina.

28/ USCR at 10.

29/ USCR at 10.

30/ USCR at 18.

31/ USCR at 3.

32/ Colombia has signed and ratified the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Suppression and Punishment of the Crime of Apartheid, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Political Rights of Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention and Protocol relating to the Status of Refugees. Colombia became a party to International Labour Organisation Convention No. 169 (Indigenous and Tribal Peoples Convention) in 1991. Previously, it was also a party to ILO Convention No. 107, which was replaced by Convention No. 169 in 1989. Colombia is also a party to the American Convention on Human Rights. See "Human rights Situation in Colombia", 1992 Annual Report prepared by the Inter-Church Committee on Human Rights in Latin America. In late September 1991 and February 1992, the Inter-American Commission on Human Rights of the Organization of American States adopted a resolution in which it found the Colombian Government responsible in four cases of serious human rights abuses. The resolution states that Colombia should offer indemnities to the families of the victims and punish those responsible for the crimes.

With regard to international humanitarian Law, Colombia has signed the four Geneva Conventions but neither of the Protocols Additional thereto. Article 3 common to the four Geneva Conventions establishes minimum rules to be adhered to in the case of situations of armed conflict not of an international character. These provisions are binding on all parties.

33/ See, for example, the report of the Special Rapporteur on extrajudicial, arbitrary or summary executions (E/CN.4/1994/7) (1993), especially paragraphs 220-238 where it is noted that violations of the right to life continue to occur at an alarming rate. It identifies as the most affected areas those where counter-insurgency operations are taking place and as the most vulnerable persons indigenous peoples, potential guerrilla collaborators, opposition leaders, human rights activists, journalists, lawyers and persons linked with the Church. The report also notes that in only a few cases of alleged human rights violations have investigations been initiated, although in the Procuraduría 58 per cent of the complaints are directed against members of the national police. See also the report of the Working Group on Enforced and Involuntary Disappearances (E/CN.4/1994/26, para. 167) (1993) and the report of the Special Rapporteur on torture (E/CN.4/1994/43, para. 188) (1993). See also the Report of the Human Rights Committee (A/47/40) (1992) in which the Committee, in examining the third periodic report of Colombia, expressed its concern at the operations of 'social cleansing", the ongoing violence causing a high rate of homicide,

disappearances and torture and at the impunity of the police and the military, and at the extent of the jurisdiction of military courts.

34/ See also E/CN.4/1990/22/Add.1, paragraph 47; USCR at 3.

35/ See USCR at 13-14.

36/ See CERD/C/SR.944-945. During the discussion of the fifth periodic report of Colombia the Commission posed three questions: first, what is meant by the phrase "some indigenous have lost their land" (para. 50), second, what measures had been taken to implement the right to personal safety of the indigenous and third, to what extent could the Government prevent invasions by colonists.

An Amnesty International action of August 1993 reports a case of extrajudicial execution and ill-treatment of Arsario Indians by the armed forces in the Marocazo community in Cesar (northern Colombia). The army is said to have suspected them of cooperating with the guerrillas in the area. Amnesty International, Extrajudicial Execution and Ill-treatment of Arsario Indians AI index: AMR 23/44/93 (August 1993).

37/ The ILO Committee of Experts in a "direct request" to Colombia concerning the implementation of ILO Convention No. 107 in 1992 noted the extreme difficulty of protecting the civilian population and referred to the indigenous community in Totoró (in the department of Cauca) and the threats received from the landowners of the Gabriel López Self-Defence Group. It requested that information continue to be supplied on the question of the possible relocation of the Wayuu in Guajira due to the contamination of coal mining. The Committee also noted its concern for the following groups who in 1992 were allegedly being threatened with displacement and relocation: the Wayuu in Manaura (from the Industrial Promotion Institute), the Embera (from the dam in Alto Sinu), and the communities of the Pijao de Ataco-Tolima. Comments made by the Committee of Experts of the International Labour Organisation on the application of ILO Convention No. 107 by Colombia, op. cit.

38/ See, e.g. Annual Report of the Inter-American Commission on Human Rights 1993 (1994); Tribunal Permanente de los Pueblos, Proceso a la impunidad de crímenes de lesa humanidad (1989); Vida, Los otros derechos humanos (1993); Comisión Andina de Juristas - Seccional Colombiana, Derechos Humanos en Colombia (1994); Inter-Church Committee on Human Rights in Latin America, Human Rights Situation in Colombia (1992).

39/ See, e.g. Intercongregational Commission for Justice and Peace in Latin America et al., The Paramilitary Strategy Imposed on Colombia's Chucurí Region, January 1993.

40/ See, e.g. Commission of NGOs, Massacre in Rio Frio, 5 October 1993.

41/ See E/CN.4/1990/22/Add.1, paragraph 17.

42/ USCR at 3.

43/ United States Department of State, op. cit. at 393.

44/ See also chapter on Colombia, United States Department of State Reports on Human Rights Situations, 1993.

45/ USCR at 3.

46/ With regard to the rights of children, it should be noted that the Committee on the Rights of the Child, at its fifth session in Geneva (10-28 January 1994) in its preliminary observations noted its grave concern for the large number of children living in extreme poverty, despite the country's overall favourable economic growth rate. According to the Committee, a large number of children, especially rural and indigenous, are socially marginalized and have limited or no access to health care and education. CRC/C/24.

47/ For more information see CCPR/C/64/Add.3 and A/47/40, paragraphs 352-353; see also Amnesty International, Colombia: Political Violence, op. cit. at 98 seq.

48/ See E/CN.4/1993/61/Add.3.

49/ See Amnesty International, Colombia: Political Violence, op. cit. at 97.

50/ Letter by the Administrative Department for Social Welfare, dated 26 May 1994, addressed to the Mayor's Office of Bogotá.

51/ According to the fifth periodic report of Colombia to the Committee against the Elimination of Racial Discrimination submitted in 1991: there are 81 indigenous groups whose rights are guaranteed in the 1991 Constitution and who inhabit 25 per cent of the country. Colombia has decided to conserve the ecosystems of the Amazon region and to respect the rights of its indigenous communities. Among other objectives, this includes granting (following, if necessary, purchase) of land where the communities have lost it or do not have enough and the establishment and upgrading of reservations. Steps have been taken to prevent violation of human rights of indigenous inhabitants in areas of armed conflict, including courses on indigenous legislation in various areas. There is an Indigenous Affairs Division in the Ministry of Interior. A National Committee for indigenous Rights was formed in 1992 to guarantee prevention and protection and defence of human rights. Also, a National Council for Indigenous Policy was created in 1990 within the Ministry of Government to ensure the constitutional requirement for participation of the indigenous communities in decisions that affect them. See CERD/C/191/Add.1; also, Working Group on Indigenous Populations, information submitted by Colombia (5 June 1991), E/CN.4/Sub.2/AC.4/1991/4.

52/ See E/CN.4/1994/20, paragraph 26.

53/ See also USCR at 22.

54/ Statement by the delegation of Colombia to the Executive Committee of UNHCR in October 1993.

55/ These projects are described in a report entitled "Human Rights and Overcoming Violence", published by UNDP (1993). The report mentions that cooperation within the United Nations system vis-à-vis human rights has been applied in four areas:

1. Systematic evaluation of progress in the peace process, including workshops;

2. National Rehabilitation Plan;

3. Income generation and work for the indigenous communities;

4. Reinsertion of ex-guerrillas (by supporting economic and social re-incorporation activities).

Other activities have addressed the problems of drug abuse and social violence (the second has included activities for the elimination of impunity and the strengthening of the justice system; incorporation of society's marginal groups; improvement of living conditions and promotion of peaceful co-inhabitance), and have aimed at the creation of a human rights culture and of a political and institutional order for the protection of human rights. An evaluation mission last year in which the Centre for Human Rights participated found the role of UNDP re human rights very important and recommended continued cooperation and support, E/CN.4/1993/61/Add.3, op. cit.

56/ In Central America, for instance, there is an inter-agency institution, the Programa de Desarrollo para Desplazados, Refugiados y Rapatriadas (PRODERE), which, inter alia, caters for internally displaced persons.

57/ Currently, the country gets international assistance to battle the drug trade especially from the United States (US$ 34.9 million in 1994).

58/ See E/CN.4/1994/23, paragraph 17.

59/ See, e.g. Office of the United Nations Disaster Relief Coordinator and National Office for Risk Mitigation of Colombia, Disaster Mitigation Programme in Colombia 1988-1991 (1991).

Annex I

FINAL DECLARATION

We, the participants in the seminar on integrated policies for internally displaced persons in Colombia, being representatives of international, governmental, State and non-governmental organizations and church organizations, DECLARE THAT

- The seminar was the result of a process of harmonization among the various NGOs working with displaced persons and governmental and State bodies responsible for dealing with this problem;

- All the participants from State bodies and social organizations should seek to make further progress in strengthening the atmosphere of mutual trust and in producing the instruments needed for the elaboration of an integrated policy to tackle the problem of displaced persons;

- The State bodies having direct responsibility for policy-making should discharge with determination and resolution the tasks which are theirs by virtue of their functions. Similarly, we call upon regional and national NGOs to initiate or strengthen the coordination procedures without which it will be impossible to produce coherent responses to the problem;

- It is urgently necessary to tackle with determination and resolution the causes of internal displacement in order to cope with the repercussions of the problem.

CONSIDERING THAT

- Internal displacement demonstrates the grave crisis of human rights in Colombia and that it has the following direct causes:

  The various manifestations of political violence in the country which produce the phenomenon of displacement;

  The magnitude of the violations of fundamental human rights and the degree of impunity associated with these violations;

  The exacerbation of the internal armed conflict due above all to the counter-insurgency strategies and the activities of paramilitary groups;

  The violations of the rules governing armed conflicts and the rules of international humanitarian law by the parties to the conflict, violations which have had a profound impact on the civilian population not involved in the conflict;

  Drug-trafficking and the plans for exploitation of natural resources and for agrarian counter-reform;

  The fact that the regions from which most people are expelled are precisely the country's most important agricultural regions.

Other factors affecting expulsion include:

The concentration of land ownership and the under-utilization of land which restrict job opportunities and lead to the concentration of income;

Agricultural modernization and its technological impact on poor rural dwellers which accelerate the break-up of their communities;

Acceleration of the process of fragmentation of the peasant economy and its adverse effects on the family.

WE ADOPT THE FOLLOWING GUIDELINES:

1. The background to the solution of the problem of displaced persons is the search for peace and social justice. This must envisage the introduction of regional and national arrangements and machinery to facilitate a negotiated end to the conflicts.

2. The adoption and application of the rules of international humanitarian law and of Additional Protocol II to the Geneva Conventions.

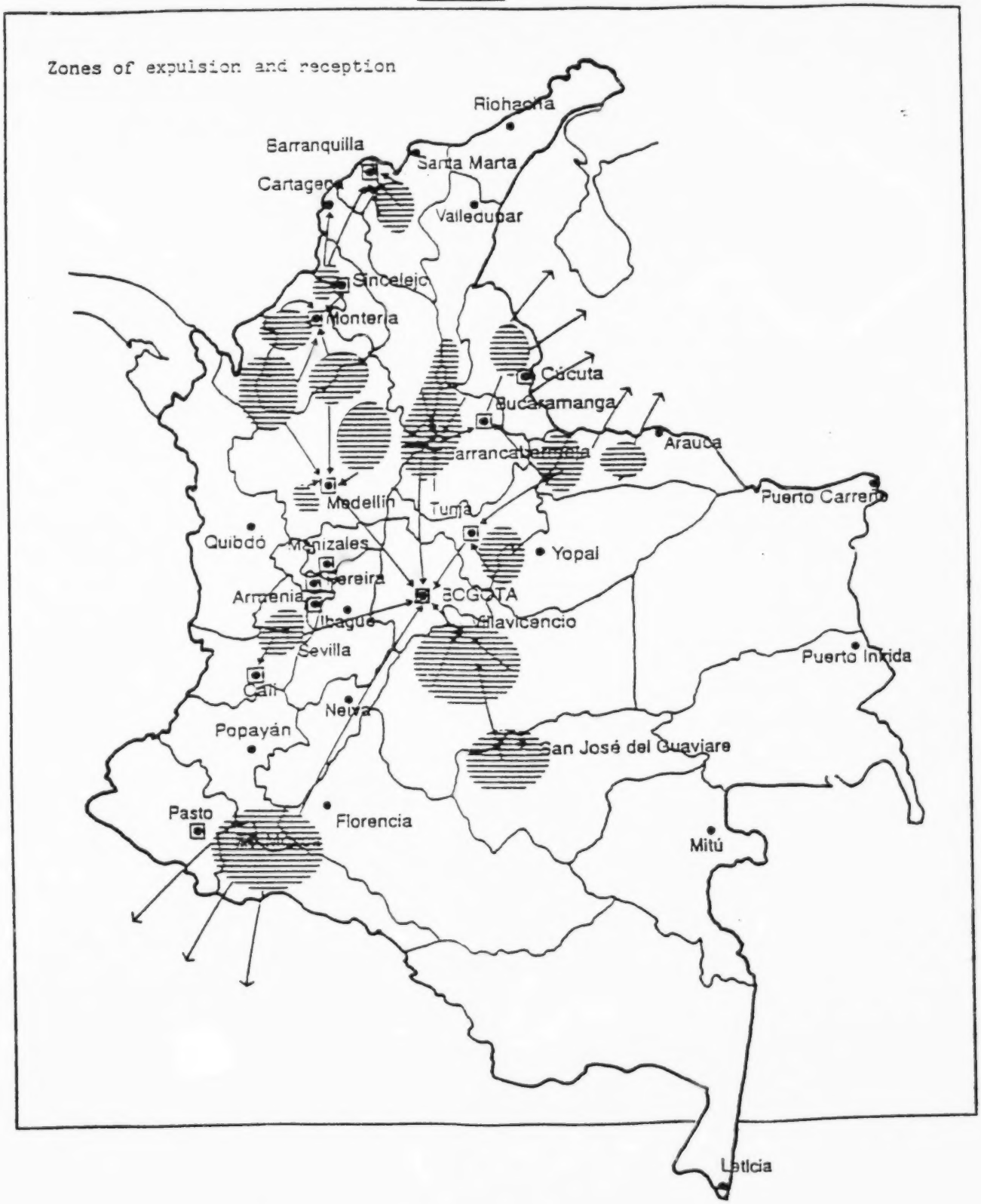
3. The elimination of impunity, the main cause of the violation of human rights and of displacement.

4. Respect for and recognition of the legitimacy of, and guarantees for the activities of NGOs concerned with displaced persons and human rights; legal recognition of displaced persons and of their organized groups.

5. Acknowledgement in local, regional and national development plans of the reality of the political violence in Colombian society and, accordingly, elaboration of an integrated strategy (legal, socio-economic, psycho-social and cultural) for displaced persons.

6. Introduction of a redistributive agrarian reform which will facilitate the return of displaced persons and prevent the development of any violence that may cause further instances of displacement.

Annex II


Zones of expulsion and reception
Riohacha
Barranquilla
Santa Marta
Cartagena
Valledupar
Sincelejo
Monteria
Cúcuta
Bucaramanga
Arauca
Barrancabermeja
Puerto Carreño
Medellín
Tunja
Quibdó
Manizales
Yopal
Pereira
Armenia
BOGOTA
Ibagué
Villavicencio
Sevilla
Puerto Inírida
Cali
Neiva
Popayán
San José del Guaviare
Pasto
Florencia
Mitú
Leticia

Annex III

MAP OF COLOMBIA
Administrative Departments
CARIBBEAN SEA
La Guajira
Barranquilla
Atlántico
Magdalena
Cesar
San Andrés & Providencia
Sucre
PANAMA
Norte
de
Santander
VENEZUELA
Córdoba
Bolivar
Bucaramanga
Barrancabermeja
Antioquia
Medellin
Santander
Arauca
Chocó
Caldas
Boyacá
Casanare
Risaralda
Cundinamarca
PACIFIC
OCEAN
Quindio
Bogotá
Vichada
Tolima
Valle
Cali
Meta
Huila
Cauca
Guainia
Nariño
Vaupés
Caquetá
Putumayo
ECUADOR
BRAZIL
Amazonas
PERU
kilometres
0
200